

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Timothy Gartner,

Civil No. 09-1438 (RHK/JSM)

Plaintiff,

ORDER

vs.

Michael Astrue, Commissioner of Social
Security,

Defendant.

Based upon the parties' Stipulation (Doc. No. 7), **IT IS ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** and without costs to either party.

Dated: September 15, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge